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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,)	No. CR-08-0034 CW
vs.)	STIPULATION AND [PROPOSED]
MITCHELL CHARLES VINCENT,)	ORDER FOR CONTINUANCE AND
Defendant.)	EXCLUSION OF TIME UNDER THE
)	SPEEDY TRIAL ACT, 18 U.S.C. 3161 ET.
)	SEQ.
)	Current Date: June 11, 2008
)	Requested Date: June 18, 2008

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17 The parties in the above-captioned matter are scheduled to appear before the Court on
18 June 11, 2008. The parties stipulate and agree that the matter should be continued to June 18,
19 2008 because new defense counsel will be out of the country on the currently scheduled date. In
20 addition, because counsel recently substituted in to the case, counsel needs time to review
21 discovery, discuss the case with the defendant, and perform relevant legal research. For the
22 foregoing reasons, the parties further stipulate and agree that the ends of justice are served by the
23 continuance requested herein outweigh the best interest of the public and the defendant in a
24 speedy trial because the failure to grant the continuance would deny the counsel for the defendant
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1 the reasonable time necessary for effective preparation and would deny the defendant continuity
2 of counsel, taking into account the exercise of due diligence. The parties therefore stipulate and
3 agree that time should be excluded pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

4

5 May 29, 2008

6 Date

/s/

Ned Smock
Assistant Federal Public Defender

7 May 29, 2008

8 Date

/s/

Wade M. Rhyne
Assistant United States Attorney

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10 Based on the reasons provided in the stipulation of the parties above, the Court hereby
11 FINDS that the ends of justice served by the continuance requested herein outweigh the best
12 interest of the public and the defendant in a speedy trial because the failure to grant the
13 continuance would deny the counsel for the defendant the reasonable time necessary for effective
14 preparation and deny the defendant continuity of counsel, taking into account the exercise of due
15 diligence. The Court makes this finding because new defense counsel recently substituted into
16 the case. Defense counsel needs time to review discovery, meet with the defendant, and perform
17 legal research.

18 Based on these findings, IT IS HEREBY ORDERED THAT the above-captioned matter
19 is continued to June 18, 2008, and that time is excluded from June 11, 2008 to June 18, 2008
20 pursuant to 18 U.S.C. §§3161(h)(8)(A) and (B)(iv).

21 IT IS SO ORDERED.

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Date

Honorable Claudia Wilken
Judge, United States District Court
Northern District of California